

COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 270-7735 FAX: (808) 270-7634

### **CHANGE IN ZONING**

SOURCE OF LEGAL AUTHORITY: Title 19, Maui County Code, 1980, as amended.

CHANGE IN ZONING APPLICATIONS: Maui County Code, Chapter 19.510 Application and Procedures, Section 19.510.040 Change in Zoning.

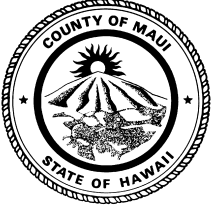
### **INFORMATIONAL SHEET**

A Change in Zoning request is to provide a means to establish zoning or to change an established use zone district on a parcel of land to another established use zone district. A Change in Zoning may be granted by County Council provide all the following criteria are met:

1. The proposed request meets the intent of the General Plan and the objectives and policies of the community plan of the County;
2. The proposed request is consistent with the applicable community plan land use map of the County;
3. The proposed request meets the intent and purpose of the district being requested;
4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements.
5. The application, if granted, would not adversely impact the social, cultural, economic, environmental and ecological character and quality of the surrounding area; and
6. If the Change in Zoning application involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the U. S. Soil Conservation Service.

Pursuant to Maui County Code, Section 19.510.040.B Protests:

- "B. Protests. Protests may be filed with the appropriate planning commission prior to or on the public hearing date of the application being protested. In the case in which the owners or lessees of forty percent or more of the land located within a five-hundred-foot distance from the boundaries of the subject parcel have filed written protests, the ordinance which grants the application shall not become effective unless approved by a vote of seven members of the County Council."



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APPLICATION TYPE: CHANGE IN ZONING APPLICATION

DATE: \_\_\_\_\_ VALUATION: \$ \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

PROPOSED DEVELOPMENT: \_\_\_\_\_

\_\_\_\_\_

TAX MAP KEY NO.: \_\_\_\_\_ CPR/HPR NO.: \_\_\_\_\_ LOT SIZE: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

OWNER: \_\_\_\_\_ PHONE:(B) \_\_\_\_\_ (H) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

OWNER SIGNATURE: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE (B): \_\_\_\_\_ (H): \_\_\_\_\_ FAX: \_\_\_\_\_

APPLICANT SIGNATURE: \_\_\_\_\_

AGENT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE (B): \_\_\_\_\_ (H): \_\_\_\_\_ FAX: \_\_\_\_\_

EXISTING USE OF PROPERTY: \_\_\_\_\_

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: \_\_\_\_\_

COMMUNITY PLAN DESIGNATION: \_\_\_\_\_ ZONING DESIGNATION: \_\_\_\_\_

OTHER SPECIAL DESIGNATIONS: \_\_\_\_\_

## GENERAL SUBMITTAL REQUIREMENTS

- \_\_\_ 1. Application Form (original + 1 copy)
- \_\_\_ 2. Documents which identify the owner of the subject parcel of land.
- \_\_\_ 3. If the applicant is not the owner of the subject parcel, then a notarized written authorization for the application by the owner shall be included. Said authorization shall include the owner's name, address and telephone number.
- \_\_\_ 4. Agent's name, address, and telephone numbers, if applicable.
- \_\_\_ 5. Location Map identifying the site, adjacent roadways and identifying landmarks (8 1/2" x 11" format.)
- \_\_\_ 6. List of owners and lessees of record of real property located within a 500-foot radius of the subject parcel. The list shall be compiled from the most current list available at the Real Property Tax Division of the Department of Finance at the time of filing of the application with Director of Planning.

This list shall include the names and addresses of each owner and recorded lessees by tax map key. A map drawn to scale which clearly identifies the 500-foot boundary surrounding the subject parcel and the parcels within the boundary shall be included.

- \_\_\_ 7. A report addressing the following (Original + 1 copy)
  - a. Policies and objectives of the General Plan; the provisions of the community plan applicable to the application; the provisions of the applicable district; and an analysis of the extent to which the application, if granted, conforms to these provisions, objectives and provisions.
  - b. Detailed land use history of the parcel which includes, but is not limited to former and existing State and County land use designations, violations and uses.
  - c. Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources and the Office of Hawaiian Affairs of the State of Hawaii. If applicable, a preservation/mitigation plan which has been reviewed and approved by the Department of Land and Natural Resources and the Office of Hawaiian Affairs.

- d. Analysis of the secondary impacts of the proposed use on surrounding uses which includes, but is not limited to increases in property value, property, housing, community services and facility needs, secondary jobs and employment generated and compatibility with surrounding uses. If applicable, affordable housing program and comments from the Department of Housing and Human Concerns of the County and other mitigation plans and comments from the respective governmental and community service agencies.
- e. Traffic impact analysis and, if applicable, a traffic master plan which includes, but is not limited to comments from the Department of Transportation of the State of Hawaii and Department of Public Works and Environmental Management of the County.
- f. If applicable, an assessment of the impact which the proposed use may have on agricultural use of the parcel which includes, but is not limited to a feasibility analysis of potential agricultural uses suited to the site and written comments from the Department of Agriculture of the State of Hawaii and the U.S. Soil Conservation Service.
- g. Water source, supply and distribution system analysis which includes, but is not limited to methods of irrigation existing on the parcel and proposed for the application, location and use of groundwater and nonpotable water sources. If applicable, a water master plan which includes, but is not limited to comments from the Department of Land and Natural Resources of the State of Hawaii and Departments of Public Works and Environmental Management and Water Supply of the County.
- h. Sewage disposal analysis, a description of a proposed method of sewage disposal and comments, if applicable, from the Departments of Health and Land and Natural Resources of the State of Hawaii and the Departments of Public Works and Environmental Management and Water Supply of the County.
- i. Solid waste disposal analysis, a description of a proposed method of solid waste disposal and comments, if applicable from the Departments of Health and Land and Natural Resources of the State of Hawaii and the Departments of Public Works and Environmental Management and Water Supply of the County.
- j. Identification of environmentally sensitive areas, habitats and botanical features which include, but are not limited to wetlands, streams, rock outcroppings, endangered plants and animals and exceptional trees. If applicable, baseline study and preservation/mitigation plan and comments, if applicable, from the Department of Land and Natural Resources of the State of Hawaii, the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers.
- k. Identification of the topographical and drainage patterns

existing on the subject parcel and any proposed alterations to these patterns.

- l. Identification of all meetings held between the applicant and any community or residential group which may be impacted by the applicant's request, the issues raised by these meetings and any measures proposed by the applicant to deal with or to mitigate these issues.
- m. Development Schedule.
- n. Operations and management of the proposed use which includes but is not limited to number of employees, proposed employee housing plan, hours of operation, fees charged to residents and visitors and provisions for off-site parking.
- o. Identification of traditional beach and mountain access trails and additional trails which may be required for public access to the beaches and mountains and, if applicable, preservation/mitigation plan and comments from the Department of Land and Natural Resources and the Office of Hawaiian Affairs.
- p. Identification and assessment of chemicals and fertilizers used including, but not limited to detailing effects upon surface, underground and marine water resources and neighboring properties and surrounding flora and fauna. If applicable, a mitigation plan and maintenance program and schedule and comments from the Departments of Health and Land and Natural Resources of the State of Hawaii, the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

- \_\_\_\_ 8. Photographs of the subject site, existing structures and surrounding area which are dated.
- \_\_\_\_ 9. Schematic Site Development Plans, if applicable, drawn to scale, which identify the following (rendered copy and 1 blueprint set):
  - a. Property lines and easements with its dimensions and area calculations;
  - b. Location, size, spacing, setbacks and dimensions of all existing and proposed building, structures, improvements, and uses;
  - c. Existing and proposed building elevations, sections, floor plans, and site sections which clearly define the character of the development;
  - d. Topographic information showing existing features and conditions and proposed grading;
  - e. Existing and proposed landscaping which depicts open spaces, plantings and trees;

- f. Existing and proposed roadways and accesses to the project and parking layout with dimensions; and
- g. Shoreline, shoreline setback lines, stream and other setback lines.

NOTE: For Project Master Plan Review, the development plans shall also comply with Maui County Code, Section 19.510.080.C.

- \_\_\_\_ 10. Any other information as may be required by Director of Planning or the appropriate planning commissions of the County.
- \_\_\_\_ 11. **Non-refundable filing fee** payable to the *County of Maui, Director of Finance*.
  - a. Change in Zoning (**see Fee Schedule, Table A**)
  - b. County Special Use Permit (**see Fee Schedule, Table A**)
  - c. Project Master Plan Review (**see Fee Schedule, Table A**)
- \_\_\_\_ 12. Notice of Filing of Application (Attachment A)
- \_\_\_\_ 13. Notarized Affidavit of Mailing of Notice and Application (Attachment B)
- \_\_\_\_ 14. For Change in Zoning, the following additional information is required:
  - a. Legal metes and bounds description of the subject parcel; and
  - b. Mylar map drawn to scale (8 1/2" x 14" format) of the subject parcel (Attachment C).

An original plus one copy of Items 1-10 shall be submitted for review by the Planning Department for suitability for transmittal to public agencies for review and comment. Upon deeming the application suitable for agency review, the Planning Department will contact the applicant to request the additional number of application packets needed for agency review.

ATTACHMENT A

TO:

DATE:

NOTICE OF FILING OF APPLICATION

Check appropriate Line:

- ☐ CHANGE IN ZONING (From \_\_\_\_\_ to \_\_\_\_\_)  
☐ COUNTY SPECIAL USE  
☐ PROJECT MASTER PLAN

Please be advised that the undersigned will be applying to the Department of Planning of the County of Maui for the above-referenced application(s) for the following parcel(s):

1. Tax map Key No.: \_\_\_\_\_  
(NOTE: Please attach an 8 1/2" x 14" location map)
2. Location (Street Address): \_\_\_\_\_  
\_\_\_\_\_
3. Existing Land Use Designations:
  - a. State Land Use District: \_\_\_\_\_
  - b. Community Plan Designation: \_\_\_\_\_
  - c. County Zoning: \_\_\_\_\_
4. Description of the Existing Uses on Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Description of the Proposed Uses on Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

By: _____	_____
(Owner/Applicant)	(Agent)
_____	_____
(Signature)	(Signature)
_____	_____
_____	_____
(Address)	(Address)
_____	_____
(Telephone)	(Telephone)

ATTACHMENT B

NOTARIZED AFFIDAVIT OF MAILING OF  
NOTICE OF APPLICATION

\_\_\_\_\_, being first duly sworn, on oath, deposes  
and says:

1. Affiant is the applicant for a \_\_\_\_\_ for  
land situate at \_\_\_\_\_, TMK No.: \_\_\_\_\_.
2. Affiant did on \_\_\_\_\_, \_\_\_\_\_, deposit in the United States  
mail, postage prepaid, a copy of a Notice of Filing of Application with  
location map, a copy of which is attached hereto as "Exhibit A" and  
made a part hereof, addressed to each of the persons identified in the list  
of recorded owners and lessees identified as "Exhibit B," attached hereto  
and made a part hereof.

Further, Affiant sayeth naught.

\_\_\_\_\_  
Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_



## GENERAL PROCEDURES

Prior to submittal of an application, a Notice of Filing Application (form provided by the Department of Planning) with a location map will be mailed to all owners and recorded lessees within 500 feet of the subject property boundaries. A copy of the Notice, Location Map and Affidavit of Mailing shall be submitted with the application.

Upon submittal of an application to the Department of Planning, it will be transmitted to the Central Coordinating Agency (CCA) for review for completeness. The CCA for the County of Maui is the Department of Public Works and Environmental Management, Development Services Administration (DSA).

Upon certification by the CCA that the application is ready for processing, the application will be transmitted to the Department of Planning. The application will be transmitted to the reviewing agencies provided the information submitted in the application is adequate and additional information is not required. The application will be scheduled with the appropriate planning commission for review and action upon receipt of all agency comments.

## **APPLICATION REQUIRING PUBIC HEARINGS**

The following applications are subject to these additional requirements:

1. Change in Zoning;
2. County Special Use Permits; and
3. Project Master Plan.

Upon notification by the Department of Planning of the County of Maui of the scheduled hearing date, the applicant shall:

1. Mail a notice of the date of the public hearing of the application on a form provided by the Department of Planning (Attachment D):
  - a. Maui Planning Commission
    - I. Form 1 (CIZ)
    - II. Form 2 (CUP/PMP)
  - b. Molokai Planning Commission
    - I. Form 3 (CIZ)
    - II. Form 4 (CUP/PMP)

By certified or registered mail, return receipt requested, to each of the owners and lessees within 500 feet of the subject parcel, not less than THIRTY( 30) calendar days prior to the date of the public hearing;

2. Submit the certified mail receipts and each of the return receipts to the Director of Planning not less than TEN (10) business days prior to the date of the public hearing. A Notarized Affidavit of Mailing of Notice of Public Hearing (Attachment E) shall also be submitted as proof of mailing; and
3. Publish the subject matter in a form prescribed by the Director of Planning, once a week for three consecutive weeks prior to the date of the public hearing in a newspaper which is printed and issued at least twice weekly in the County and which is generally circulated throughout the County. A certified copy of the published notice shall be submitted to the Director of Planning at least SIX (6) days prior to the date of the public hearing.

Please note that applications requiring final action by the County Council shall be transmitted to the County Council upon completion of all necessary documents (i.e., ordinances, maps, unilateral agreements). The applicant may be required to prepare such documents as amendments to the land use maps and preparation of unilateral agreements. Upon approval of all legal documents by the Department of the Corporation Counsel, the application will be transmitted to the County Council.

ATTACHMENT D  
FORM 1 (CIZ) PLANNING COMMISSION

Date: \_\_\_\_\_

TO:

Please be informed that the undersigned has applied to the \_\_\_\_\_  
Planning Commission for the following:  
\_\_\_\_\_ CHANGE IN ZONING (From \_\_\_\_\_ to \_\_\_\_\_)

1. Tax Map Key: \_\_\_\_\_
2. Location: In the vicinity of \_\_\_\_\_
3. Area of Parcel: \_\_\_\_\_
4. Proposed Development: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:

PUBLIC HEARING DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
PLACE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attached please find a map identifying the location of the specific parcel(s) being considered in the above-referenced request.

The hearing is held under the authority of Chapter 92, Hawaii Revised Statutes, Title 19 of the Maui County Code and the Maui Planning Commission Rules.

Relative to applications for change in zoning, protests may be filed with the appropriate planning commission prior to or on the public hearing date of the application being protested. In the case in which the owners or lessees of forty percent or more of the land located within a five-hundred-foot distance from the boundaries of the subject parcel have filed written protests, the ordinance which grants the application shall not become effective unless approved by a vote of seven members of the county council.

Testimony relative to this request may be submitted in writing to the appropriate Planning Commission, 250 South High Street, Wailuku, Maui, Hawaii, 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 250 South High Street, Wailuku, Maui, Hawaii; Telephone: (808) 270-7735; toll free from Molokai 1-800-272-0117, Extension 7735; and toll free from Lanai 1-800-272-0125, Extension 7735.

\_\_\_\_\_  
Name of Applicant- Please print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_ ( ) \_\_\_\_\_  
Telephone

ATTACHMENT E

NOTARIZED AFFIDAVIT OF MAILING OF  
NOTICE OF PUBLIC HEARING

\_\_\_\_\_, being first duly sworn, on oath, deposes and  
says:

1. Affiant is the applicant for a \_\_\_\_\_ for  
land situate at \_\_\_\_\_, TMK No.: \_\_\_\_\_.
2. Affiant did on \_\_\_\_\_, \_\_\_\_\_, deposit in the United States  
mail, postage prepaid, by certified or registered mail, return receipt  
requested, a copy of a Notice of Hearing with location map, a copy of  
which is attached hereto as "Exhibit A" and made a part hereof,  
addressed to each of the persons identified in the list of recorded owners  
and lessees identified as "Exhibit B," attached hereto and made a part  
hereof.
3. Thereafter, there was returned to the office of Affiant, the United States  
Post Office certified or registered mail receipts and return receipts which  
are attached hereto as "Exhibit C" and made a part hereof.

Further, Affiant sayeth naught.

\_\_\_\_\_  
Subscribed and sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Hawaii  
My commission expires: \_\_\_\_\_